

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 21-80145-MC-CANNON

MATTHEW ORSO,

Plaintiff,

v.

JEAN GARY JOSEPH,

Defendant,

v.

WELLS FARGO BANK, N.A.

Garnishee.

ORDER ACCEPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

THIS MATTER comes before the Court upon Magistrate Judge Ryon M. McCabe’s Report and Recommendation (“Report”) as to the disposition of any outstanding writs of garnishment and corresponding answers [ECF No. 45]. The Report recommends that all pending writs be deemed dissolved [ECF No. 45]. Objections to the Report were due on July 29, 2024 [ECF No. 45]. To date, no party has filed objections, and the time to do so has expired.

LEGAL STANDARD

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.

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28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

DISCUSSION

Following review, the Court finds no error in the Report. The Report correctly explains that while Nationwide Judgment Recovery ("Nationwide") obtained writs of garnishment directed to numerous banks, Nationwide complied with Fla. Stat. § 77.07(5) as to only one writ—the May 11, 2021, Writ to Wells Fargo [ECF No. 45 p. 2]. For all other writs, Nationwide never moved for dismissal or final judgment within six months following the filing of the respective writs; therefore, those writs were automatically dissolved through operation of law, specifically Fla. Stat. § 77.07(5). Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report [ECF No. 45] is **ACCEPTED**.
2. All pending writs are hereby **DISSOLVED** by operation of law. *See* Fla. Stat. § 77.07(5).

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 31st day of July 2024.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', is written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record